

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

M. BRANDON ADAMS,

Plaintiff,

v.

BENJAMIN BEANE, ET AL.,

Defendants.

NO. 1:17-cv-00055

CHIEF JUDGE CRENSHAW

ORDER

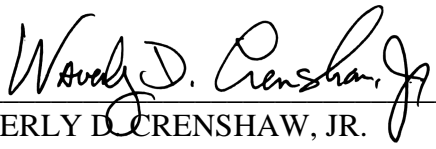
On March 26, 2018, the Magistrate Judge issued a Report and Recommendation (Doc. No. 26) recommending that the Court deny Defendant Oakes's Partial Motion to Dismiss (Doc No. 20) and dismiss Defendant Epley pursuant to Federal Rule of Civil Procedure 4(m).

Defendant Oakes has not filed objections to the Report and Recommendation.¹ The Court has conducted a de novo review of Plaintiff's allegations and concurs with the Magistrate Judge that (1) Plaintiff has the standing to bring his Fourteenth Amendment equal protection claim, (2) there is a live controversy before the Court, (3) interpreting the complaint liberally, there is no reason to foreclose the avenue of injunctive relief, and (4) whether injunctive relief is appropriate in better viewed in light of what, if any, constitutional violation Plaintiff succeeds in proving. Accordingly, the Report and Recommendation (Doc. No. 26) is **APPROVED AND ADOPTED IN PART** as it concerns Defendant Oakes and the Partial Motion to Dismiss (Doc. No. 20) is **DENIED**.

¹ Indeed, Defendant Oakes has filed a Motion for Leave to Depose Incarcerated Plaintiff, suggesting acceptance of the Report and Recommendation, which has been granted by the Magistrate Judge. (Doc. Nos. 30, 31.)

Plaintiff filed objections to the Report and Recommendation concerning Defendant Epley. (Doc. Nos. 28, 29.) On March 22, 2018, after reviewing those Objections, the Magistrate Judge, with knowledge of the Court, vacated the part of the Report and Recommendation concerning Defendant Epley and issued orders to facilitate service of process. Accordingly, this vacated part of the Report and Recommendation need not be addressed.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE